

OCT 23 2014

CITY CLERK

GENERAL ORDINANCE NO. 7, 2014

AN ORDINANCE TO AMEND *TERRE HAUTE CITY CODE* CHAPTER 2 AND CHAPTER 4, TO CREATE A NON-REVERTING FUND FOR THE USE OF THE TERRE HAUTE POLICE DEPARTMENT.

WHEREAS, the Common Council for the City of Terre Haute wishes to establish a non-reverting fund in the Terre Haute Police Department for the deposit of permit fees and fines associated with regulation of drug and tobacco paraphernalia/accessories establishments.

THEREFORE, BE IT HEREBY ORDAINED as follows:

SECTION 1. That *Terre Haute City Code* Chapter 2 is hereby amended by insertion of the underlined text as follows:

...
**Sec. 2-115 Terre Haute Police Department Drug Training, Prevention, & Education
Non-Reverting Fund.**

a. A special non-reverting operating account, entitled Terre Haute Police Department Drug Training, Prevention, and Education Non-Reverting Fund, is established in the Terre Haute Police Department for proceeds from sale of permits to Drug and/or Tobacco Paraphernalia/Accessories Establishments (See: Sec. 4-362) and from the fines imposed for violations of such provisions (See: Sec. 4-366).

b. Such funds shall be used for costs associated with the production of promotional materials to be used for drug training, education and prevention, including but not limited to: handouts, brochures, pamphlets, booklets, posters, stickers, or shirts. Such funds may also be used for costs associated with the purchase, usage, or lease of any equipment or facility used in conjunction with such programs, including but not limited to: presentation equipment and/or facilities used to host training or education events; travel for officers assigned to narcotic-type investigative units to attend narcotic relevant training; or contractual services for drug training, education or prevention events.

c. Such funds shall be subject to appropriation by the Common Council of the City of Terre Haute, Indiana.

SECTION 2. That *Terre Haute City Code* Chapter 4 is hereby amended by insertion of the underlined text as follows:

...
Sec. 4-366 Enforcement & Penalty.

a. It shall be the duty of the Terre Haute Police Department to enforce this Article.

b. The City of Terre Haute, the Board of Public Works and Safety or any designated enforcement official may institute a suit for injunction in the circuit court to restrain an individual or business from violating the provisions of this Article.

c. If the City of Terre Haute or the Board of Public Works and Safety is successful in its suit, the respondent shall bear the cost of the action.

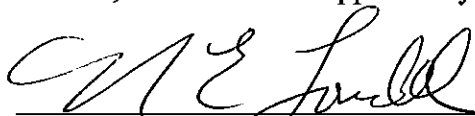
d. Each day of non-compliance with the provisions of this Division constitutes a separate and distinct ordinance violation. Judgment of up to Two Thousand Five Hundred Dollars (\$2,500.00) per day may be entered for a violation of any provision of this Article. (Gen. Ord. No. 14, 2013, Effective: 4-01-14)

e. Permit fees collected and fines resulting from violations of this Section shall be deposited into the Terre Haute Police Department Drug Training, Prevention, & Education Non-Reverting Fund (See: Sec. 2-115).

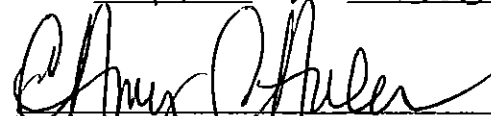
SECTION 3. All the provisions of any ordinances previously or now in existence and regulations which may be in conflict with this Ordinance are hereby repealed as of the date this Ordinance takes effect.


SECTION 4. If any section, subsection, paragraph, sentence, clause, phase or provision of this Ordinance is for any reason held to be invalid, ineffective or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall remain in force and effect. The invalidity of any section, subsection, paragraph, sentence, clause, phase or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

SECTION 5. WHEREAS, an emergency exists for the immediate taking effect of the Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, Indiana and its approval by the Mayor and publication as required by law.

Introduced by:  Norman Loudermilk, Councilman

Passed in open Council this 4th day of December, 2014.

 Amy Auler, President

ATTEST:  Charles P. Hanley, City Clerk

Presented by me to the Mayor this 12th day of December, 2014.

Charles P. Hanley Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 12TH day of DECEMBER, 2014.

Duke A. Bennett Duke A. Bennett, Mayor

ATTEST: Charles P. Hanley Charles P. Hanley, City Clerk